

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHAN ELLERT,

Plaintiff,

v.

CHRISTIAN RESETARITS and CHARITY
FISHERIES, INC., in personam; F/V
PATIENCE, OFFICIAL NUMBER 668232,
HER ENGINES, MACHINERY,
APPURTENANCES AND CARGO, in rem,
Defendants.

CASE NO. C20-1088-JCC

ORDER

This matter comes before the Court on Plaintiff's response (Dkt. No. 10) to the Court's order to show cause (Dkt. No. 9). Under Federal Rule of Procedure Rule 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." After two extensions of the 90-day time period, Plaintiff's deadline to serve Defendants in this matter was February 22, 2021. (Dkt. Nos. 6, 8.) After that deadline passed and Plaintiff had not filed proof of service, the Court ordered Plaintiff to show cause why this action should not be dismissed without prejudice. (Dkt. No. 9.) Plaintiff filed a response indicating that he "cannot show cause as to why this case should not be dismissed without prejudice." (Dkt. No. 10 at 1.) Accordingly, the Court DISMISSES this action

1 without prejudice for failure to timely serve Defendants. The Clerk is DIRECTED to close this
2 case.

3 DATED this 15th day of March 2021.

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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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